

IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/650,412-Conf. #6563
	Filing Date	August 28, 2003
	First Named Inventor	Nicholas Thomas
	Art Unit	1744
	Examiner Name	W. H. Beisner
Total Number of Pages in This Submission	Attorney Docket Number	HO-P02190US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Melissa W. Asesta, Ph.D.		
Date	October 28, 2005	Reg. No.	45,872



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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/650,412-Conf. #6563
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 180.00		Filing Date	August 28, 2003
		First Named Inventor	Nicholas Thomas
		Examiner Name	W. H. Beisner
		Art Unit	1744
		Attorney Docket No.	HO-P02190US1

**METHOD OF PAYMENT** (check all that apply)

☒ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account    Deposit Account Number: 06-2375    Deposit Account Name: Fulbright & Jaworski L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**    **Multiple Dependent Claims**

\_\_\_\_\_ - = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_    **Fee (\$)**    **Fee Paid (\$)**

**Indep. Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**

\_\_\_\_\_ - = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>1806 Submission of an Information Disclosure Statement</u>	<u>180.00</u>

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	45,872
Name (Print/Type)	Melissa W. Acosta, Ph.D.	Telephone	(713) 651-5407
		Date	October 28, 2005



Docket No.: HO-P02190US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Nicholas Thomas et al.

Application No.: 10/650,412

Confirmation No.: 6563

Filed: August 28, 2003

Art Unit: 1744

For: MICROFABRICATED APPARATUS FOR  
CELL BASED ASSAYS

Examiner: W. H. Beisner

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

11/01/2005 CNGUYEN 00000013 10650412

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180.00 OP

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02190US1.

Dated: October 28, 2005

Respectfully submitted,

By 

Melissa W. Acosta, Ph.D.

Registration No.: 45,872

FULBRIGHT & JAWORSKI L.L.P.

Fulbright Tower

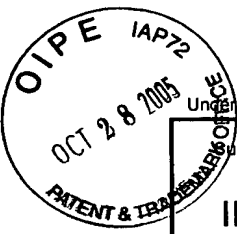
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(713) 651-5246 (Fax)

Agent for Applicant



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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/650,412
				Filing Date	August 28, 2003
				First Named Inventor	Nicholas Thomas
				Art Unit	1744
				Examiner Name	W. H. Beisner
				Attorney Docket Number	HO-P02190US1
Sheet	1	of	4		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US-09/830,795	10-29-1999	Stjernstrom	
	A2	US-09/869,554	12-23-1999	GYROS	
	A3	US-09/937,533	03-24-2000	GYROS	
	A4	US-09/958,577	04-07-2000	Ulfendahl	
	A5	US-10/030,297	12-21-2001	GYROS	
	A6	US-10/070,912	03-13-2002	Ohman et al.	
	A7	US-10/129,032	04-29-2002	GYROS	
	A8	US-10/182,792	07-30-2002	Derand et al.	
	A9	US-10/513,084	04-29-2003	GYROS	
	A10	US-10/867,893	06-15-2004	GYROS	
	A11	US-11/017,252	12-20-2004	GYROS	
	A12	US-20020125135	09-12-2002	GYROS	
	A13	US-20020150512-A1	10-17-2002	Kellogg et al.	
	A14	US-20030044322-A1	03-06-2003	GYROS	
	A15	US-20030047823-A1	03-13-2003	GYROS	
	A16	US-20030053934-A1	03-20-2003	GYROS	
	A17	US-20030054563-A1	03-20-2003	GYROS	
	A18	US-20030064004	04-03-2003	Agren	
	A19	US-20030082075-A1	05-01-2003	GYROS	
	A20	US-20030094502-A1	05-22-2003	Gyros AB	
	A21	US-20030129360-A1	07-10-2003	GYROS	
	A22	US-20030143114	07-31-2003	GYROS	
	A23	US-20030156763-A1	08-21-2003	GYROS	
	A24	US-20030173650	09-18-2003	GYROS	
	A25	US-20030211012-A1	11-13-2003	GYROS	
	A26	US-20030213551-A1	11-20-2003	GYROS	
	A27	US-20030231312-A1	12-18-2003	GYROS	
	A28	US-20040005634	01-08-2004	Kylberg et al.	
	A29	US-20040055136	03-25-2004	Ohman et al.	
	A30	US-20040058408-A1	03-25-2004	GYROS	
	A31	US-20040096867-A1	05-20-2004	GYROS	
	A32	US-20040099310-A1	05-27-2004	GYROS	
	A33	US-20040120856-A1	06-24-2004	GYROS	
	A34	US-20040131345	07-08-2004	GYROS	
	A35	US-20040202579	10-14-2004	GYROS	
	A36	US-20050019819	01-27-2005	GYROS	
	A37	US-20050042770	02-24-2005	GYROS	
	A38	US-20050141344	06-30-2005	GYROS	
	A39	US-20050179901	08-15-2005	Ostlin et al.	
	A40	US-3,679,367	07-25-1972	Negersmith	
	A41	US-4,154,793	05-15-1979	Guigan	
	A42	US-4,381,291	04-26-1983	Ekins, et al.	
	A43	US-4,426,451	01-17-1994	Columbus	
	A44	US-4,515,889	05-07-1985	Klose et al.	
	A45	US-4,676,274	06-30-1987	Brown	
	A46	US-4,676,952	06-30-1987	Edelmann et al.	
Examiner Signature				Date Considered	

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/650,412
				Filing Date	August 28, 2003
				First Named Inventor	Nicholas Thomas
				Art Unit	1744
				Examiner Name	W. H. Beisner
Sheet	2	of	4	Attorney Docket Number	HO-P02190US1

	A47	US-4,729,862	03-08-1988	Salatiello et al.	
	A48	US-4,745,072	05-17-1988	Ekins et al.	
	A49	US-4,756,884	07-12-1988	Hillman et al.	
	A50	US-4,762,683	08-09-1988	Romanauskas, William A.	
	A51	US-4,917,865	04-17-1990	Romanauskas, William	
	A52	US-4,940,527	07-10-1990	Kazlauskas et al.	
	A53	US-5,006,749	04-09-1991	White	
	A54	US-5,122,284	06-19-1992	Braynin et al.	
	A55	US-5,160,702	11-03-1992	Kopf-Sill et al.	
	A56	US-5,171,695	12-15-1992	Ekins	
	A57	US-5,173,262	12-22-1992	Burtis et al.	
	A58	US-5,230,866	07-27-1993	Shartle et al.	
	A59	US-5,242,803	09-07-1993	Burtis et al.	
	A60	US-5,252,294	10-12-1993	Kroy et al.	
	A61	US-5,304,487	04-19-1994	Wilding et al.	
	A62	US-5,368,704	11-29-1994	Madou et al.	
	A63	US-5,376,252	12-27-1994	Bjorn Ekstrom, et al.	
	A64	US-5,409,665	04-25-1995	Burd	
	A65	US-5,413,732	05-09-1995	Buhl et al.	
	A66	US-5,426,032	06-20-1995	Phillips et al.	
	A67	US-5,432,009	07-11-1995	Tabata et al.	
	A68	US-5,472,603	12-05-1995	Schembri	
	A69	US-5,587,128	12-24-1996	Wilding et al.	
	A70	US-5,627,041	05-06-1997	Shartle	
	A71	US-5,635,358	06-03-1997	Wilding et al.	
	A72	US-5,660,993	08-26-1997	Cathey et al.	
	A73	US-5,690,841	11-25-1997	HAKAN ELDERSTIG	
	A74	US-5,698,162	12-16-1997	Troconis, Robedrt B. et al.	
	A75	US-5,773,488	06-30-1998	GYROS	
	A76	US-5,798,215	08-25-1998	Cathey et al.	
	A77	US-5,912,134	06-15-1999	Shartle	
	A78	US-5,962,081	10-05-1999	OVE OHMAN	
	A79	US-5,992,820	11-30-1999	Fare et al.	
	A80	US-5,995,209	11-30-1999	GYROS	
	A81	US-6,074,827	06-13-2000	Nelson et al.	
	A82	US-6,113,768	09-05-2000	Fuhr et al.	
	A83	US-6,126,765	10-03-2000	Ohman	
	A84	US-6,144,447	11-07-2000	OVE OHMAN	
	A85	US-6,192,768	02-27-2001	Wallman	
	A86	US-6,203,291	03-20-2001	GYROS	
	A87	US-6,271,040	08-07-2001	Buechler	
	A88	US-6,319,468-B1	11-20-2001	Sheppard, Jr. et al.	
	A89	US-6,322,682	01-08-1998	GYROS	
	A90	US-6,379,929	04-30-2002	Burns et al.	
	A91	US-6,454,970	09-24-2002	GYROS	
	A92	US-6,620,478	09-16-2003	GYROS	
	A93	US-6,632,656	10-14-2003	GYROS	
	A94	US-6,653,625-A1	11-25-2003	GYROS	
	A95	US-6,717,136-A1	04-06-2004	GYROS	

Examiner Signature		Date Considered	
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				Art Unit	1744
				Examiner Name	W. H. Beisner
Sheet	3	of	4	Attorney Docket Number	HO-P02190US1

	A96	US-6,728,644-A1	04-27-2004	GYROS	
	A97	US-6,811,736	11-02-2004	GYROS	
	A98	US-6,812,456-A1	11-02-2004	GYROS	
	A99	US-6,812,457-A1	01-29-2004	GYROS	
	A100	US-6,852,851	02-08-2005	GYROS	
	A101	US-6,884,395	04-26-2005	GYROS	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B1	EP-0241140-B1	10-14-1987	BioCarb AB		
	B2	EP-0977032-A1	02-02-2000	Kyoto Dalichi Kagaku, Co.		
	B3	WO-93/22053	11-11-1993	Wilding et al.		
	B4	WO-93/22054	11-11-1993	Wilding et al.		
	B5	WO-93/22055	11-11-1993	Wilding et al.		
	B6	WO-93/22058	11-11-1993	Wilding et al.		
	B7	WO-96/06354	02-29-1996	Cathey et al.		
	B8	WO-96/07919	03-14-1996	Shartle		
	B9	WO-96/15450	05-23-1996	Zanzucchi et al.		
	B10	WO-97/21090	06-12-1997	Mian et al.		
	B11	WO-97/45730	12-14-1997	Taylor		
	B12	WO-98/15356	04-16-1998	Gordon		
	B13	WO-98/22625	05-28-1998	Burns		
	B14	WO-98/38510	09-03-1998	Virtanen		
	B15	WO-98/39645	09-11-1998	Oh		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	Ahn et al., "A fully integrated micromachined magnetic particle manipulator and separator," Microelectronics Research Center, School of Electrical and Computer Engineering, Georgia Institute of Technology, Atlanta, GA; pp. 91-96, 1994.	
	C2	Handique et al., "Microfluidic flow control using selective hydrophobic patterning," SPIE Proceedings, Vol. 3224, pp. 185-195, 1997.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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25569567



Application No. (if known): 10/650,412

Attorney Docket No.: HO-P02190US1

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Julie Erwin

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IDS (Citation) by Applicant (4 pages)  
Information Disclosure Statement (2 pages)  
17 References  
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